

REMARKS

Elections/Restrictions

The Examiner has made a restriction requirement to the claims of Group I, i.e., claims 1 – 32, drawn to a building automation system; the claims of Group II, i.e., claims 33 – 43 and 60, drawn to a user interface unit for a building automation system; the claims of Group III, i.e., claims 44 – 50, drawn to a method of controlling appliances located in selected rooms in a building; the claims of Group IV, i.e., claims 51 – 56, 58, and 59, drawn to a method of programming a building automation system; the claim of Group V, i.e., claim 57, drawn to a method of installing a building automation system; the claims of Group VI, i.e., claims 61 – 64, 66, and 67, drawn to a slave/remote control device for use in a building automation system; the claim of Group VII, i.e., claim 65, drawn to a level control for use in a building automation system; or the claims of Group VIII, i.e., claims 68 – 72, drawn to licensing and copyright protection. Applicant elects the claims of Group I, i.e., claims 1 – 32; therefore, claims 33 – 72 are canceled.

Drawings

In paragraphs 37 – 39 of the Office Action, the Examiner makes a number of objections to the drawings. The objection relating to the missing reference numbers 150 and 127 have been corrected by amending FIGS. 3 and 7. The objections in paragraph 37 relating to the missing number 101 and 102 and the objections in paragraph 38 have been corrected by changing these numbers to 201 and 202, respectively in the specification. The objections relating to the reference numbers 178, 218, 302, 350, 400, 462, 474, 616, 618, 692, and 694 have been addressed by amending the specification to include these numbers. Please note that the addition to the paragraph starting at page 44, line 14, (Optionally, a SCENE CHANGE PASSWORD screen 616 may be programmed between SCENE button 614 and SCENE CHANGE screen 618) is simply wording taken from page 45, lines 10 – 13, adapted to what is shown in FIG. 22B for the numerals 616 and 618, and therefore is not new matter. Also note the addition to the paragraph starting on page 48, line 27, (from which a linkage can be added at 692 or deleted at 694) merely reflects what is shown in FIG. 22B, and thus is not new matter.

Serial No.: 10/608,828

Amendment And Remarks Responsive To

Office Action Mailed 03/22/2005

Page 19 of 25

212383v2

Specification

The corrections to the specification as required by the Examiner in paragraph 40 have been made by amendment.

Claim Rejections – 35 USC §112

Claim 32 has been rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 32 has been canceled and its subject matter added to claim 27.

Claim Rejections – 35 USC §102

Claims 1, 3 – 5, 7, and 18 have been rejected under 35 USC 102(b) as being anticipated by Stein (US Patent No. 6,029,092). This rejection is respectfully traversed.

Claim 1 recites the limitations:

an electrical signal trunk connected to the controller, and each of the user interface units and each of the power drivers are connected to the electrical signal trunk.

In the application, the term “trunk” is used to refer to the electrical conductor that connects the control electronics 200 and the slave devices 201, 202, or, in terms of Stein, the central processor 12 and the various interface units 24, 26, 28, sensors 34, alarm zones 40, relays 38, etc. This usage corresponds to the common usage of the word “trunk” in the art. As shown in FIG. 1 of Stein, each of the various sensors, alarms, relays, etc.. is connected to the central processor via a separate trunk. This is a requirement of Stein and all prior art building automation systems. In contrast, in the building automation system according to the invention, each of a plurality of user interface units and each of a plurality of power drivers are connected to the same trunk. Thus, Stein does not show key elements of claim 1; therefore, it cannot anticipate claim 1.

It is pointed out the Office Action cites six references, several of which are very recent and may not be prior art. Each one of these references show a separate conductor run from the control electronics to each user interface unit and each power driver in the system. It is clear that the state of the art does not encompass a system in which a single

Serial No.: 10/608,828

Amendment And Remarks Responsive To

Office Action Mailed 03/22/2005

Page 20 of 25

212383v2

trunk connects to a plurality of user interface units and power drivers. In the specification, this particular feature of the invention was strongly stressed as being novel and of significant advantage. See page 4, lines 21 and 22; page 19, lines 16 – 28; and elsewhere in the application. It is submitted that the thorough search performed by the Examiner has proved this to be true.

It is also noted that the Office Action refers to the “network interfaces” in Stein as a “user interface”. This is not correct. As known in the art, a user interface is a device that a user can use to communicate with a computer, while a network interface is an electronic circuit, usually within a computer (e.g., a network interface card), that provides the correct electronic protocols to connect to a network. The Office Action also refers to the device drivers of Stein as equivalent to the power drivers of the present invention. As known in the art, the device drivers of Stein are the software subsystems in the control system that control the peripherals. In the system of the invention, the power drivers are electrical power supplies that are external to the control system.

With respect to claim 3, Stein does not say that the “audio matrix 122E” is capable of controlling the power drivers, but rather that the “audio matrix 122E” controls a CD player and that relays, which are simply switches, can also control the power to the “audio matrix 122E”. Stein does not show a user interface unit that can control each of the power drivers; thus, claim 3 is also patentable. As indicated above, the relays are merely switches, and the device drivers are software drivers, and thus are not power drivers as claimed. Thus, claim 7 is also patentable. As shown in FIG. 9 of Stein, each relay is separately controlled by and separately connected to processor 12, and each relay controls a single device. Thus, claim 18 is patentable over Stein. In addition, claims 3, 4, 5, 7, and 18 all depend on claim 1 and, therefore, are also patentable for the reasons given above. *In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) at headnote 4.

Claims 27, 29, and 32 have been rejected under 35 USC 102(a) as being anticipated by Wimsatt (US Publication No. 2004/0260407 A1). This rejection is respectfully traversed. Wimsatt is not prior art to the present application since it was filed on April 8, 2004 and the present application was filed on June 27, 2003. It is noted that

Wimsatt claims priority to a provisional application Serial No. 60/461,307 filed April 8, 2003. This provisional application has not been published and therefore is not available to the undersigned; thus, it is impossible to provide a response based on this provisional. If the Examiner provides a copy of this application to the undersigned, and the application contains disclosure which would affect the patentability of the present application, Applicant will provide a declaration swearing behind Wimsatt, as the disclosure for the present application was received by the undersigned well before the April 8, 2003 filing date of the Wimsatt provisional application. In addition, claim 27 has been amended to include the limitation of a single electrical signal trunk connected between said controller and said interface units, each of said interface units connected to said single electrical trunk. In Wimsatt, each of the interface units are connected via a separate trunk to the controller.

Claim Rejections – 35 USC §103

Claim 2 has been rejected under 35 USC 103(a) as being unpatentable over Stein (US Patent No. 6,029,092) in view of Walker et al. (US Publication No. 2004/0249711 A1). This rejection is respectfully traversed.

Walker et al. is not prior art to the present application since it was filed on May 27, 2004, and the present application was filed on June 27, 2003. It is noted that Walker et al. claims priority to a provisional application Serial No. 60/473,815 filed May 28, 2003. This provisional application has not been published and therefore is not available to the undersigned; thus, it is impossible to provide a response based on this provisional. If the Examiner provides a copy of this application to the undersigned, and the application contains disclosure which would affect the patentability of the present application, Applicant will provide a declaration swearing behind Walker et al., as the disclosure for the present application was received by the undersigned well before the May 28, 2003 filing date of the Walker et al. provisional application.

In addition, neither Stein nor Walker et al. disclose the claim 1 limitations of an electrical signal trunk connected to the controller, with each of the user interface units and each of the power drivers connected to the electrical signal trunk, and claim 2 depends on

claim 1. Therefore, claim 2 is patentable for this reason also.

Claims 2, 6, 8 – 11, 15, and 20 – 24 have been rejected under 35 USC 103(a) as being unpatentable over Stein (US Patent No. 6,029,092) in view of Wimsatt (US Publication No. 2004/0260407 A1). This rejection is respectfully traversed. As indicated above, Wimsatt is not prior art to the present application. In addition, neither Stein nor Wimsatt disclose the claim 1 limitations of an electrical signal trunk connected to the controller, with each of the user interface units and each of the power drivers connected to the electrical signal trunk, and claim 2 depends on claim 1. Therefore, claims 2, 6, 8 – 11, 15, and 20 – 24 are patentable for this reason also. In addition, neither Stein nor Wimsatt disclose the limitations of claims 8 – 10, 11, and 22 – 24. Neither Stein nor Wimsatt disclose or suggest a button to change rooms as claimed in claim 8, and claims 9 and 10 depend on claim 8. Changing control to different rooms is not suggested by changing control of different features in a room. Neither Stein nor Wimsatt disclose or suggest the feature of a wireless remote control that controls only the devices in the room in which the remote control is located. This is a very sophisticated feature which requires that the device recognize the room in which it is located, and nothing in the references suggests this capability. With regard to claims 22 – 24, the Office Action equates temperature control to power control, which is not the same thing.

Claims 12 and 13 have been rejected under 35 USC 103(a) as being unpatentable over Stein (US Patent No. 6,029,092) in view of Wimsatt (US Publication No. 2004/0260407 A1) as applied to claims 2, 6, 8 – 11, 15, and 20 – 24 above, and further in view of Rumsey (US Publication No. 2003/0003876 A1). This rejection is respectfully traversed. As indicated above, Wimsatt is not prior art to the present application. In addition, neither Stein, Wimsatt, nor Rumsey disclose the claim 1 limitations of an electrical signal trunk connected to the controller, with each of the user interface units and each of the power drivers connected to the electrical signal trunk, and claims 12 and 13 depend on claim 1. Also, the Office Action admits that the up/down button claimed in claim 13 is not disclosed in any reference, but says it is obvious with no basis in the prior art. Therefore, claims 12 and 13 are patentable for these reasons also.

Claim 14 has been rejected under 35 USC 103(a) as being unpatentable over Stein (US Patent No. 6,029,092) in view of Wimsatt (US Publication No. 2004/0260407 A1) as applied to claims 2, 6, 8 – 11, 15, and 20 – 24 above, and further in view of Liu (US Publication No. 2003/0128539 A1). This rejection is respectfully traversed. Neither Stein, Wimsatt, nor Liu disclose the claim 1 limitations of an electrical signal trunk connected to the controller, with each of the user interface units and each of the power drivers connected to the electrical signal trunk, and claim 14 depends on claim 1. Therefore, claim 14 is patentable at least for this reason.

Claims 16 and 17 have been rejected under 35 USC 103(a) as being unpatentable over Stein (US Patent No. 6,029,092) in view of Wimsatt (US Publication No. 2004/0260407 A1) as applied to claims 2, 6, 8 – 11, 15, and 20 – 24 above, and further in view of Walker et al. (US Publication No. 2004/0249711 A1). This rejection is respectfully traversed. Neither Stein, Wimsatt, nor Walker et al. disclose the claim 1 limitations of an electrical signal trunk connected to the controller, with each of the user interface units and each of the power drivers connected to the electrical signal trunk, and claims 16 and 17 depend on claim 1. Therefore, claims 16 and 17 are patentable for this reason also.

Claim 19 has been rejected under 35 USC 103(a) as being unpatentable over Stein (US Patent No. 6,029,092) in view of Launey et al. (US Patent No. 5,086,385). This rejection is respectfully traversed. Neither Stein nor Launey disclose the claim 1 limitations of an electrical signal trunk connected to the controller, with each of the user interface units and each of the power drivers connected to the electrical signal trunk, and claim 19 depends on claim 1. Therefore, claim 19 is patentable.

Claims 25 and 26 have been rejected under 35 USC 103(a) as being unpatentable over Stein (US Patent No. 6,029,092) in view of Wimsatt (US Publication No. 2004/0260407 A1) as applied to claims 2, 6, 8 – 11, 15, and 20 – 24 above, and further in view of Suomela (US Publication No. 2003/0011467 A1). This rejection is respectfully traversed. Neither Stein, Wimsatt, nor Suomela disclose the claim 1 limitations of an electrical signal trunk connected to the controller, with each of the user interface units and each of the power drivers connected to the electrical signal trunk, and claims 25 and 26

depend on claim 1. Therefore, claims 25 and 26 are patentable.

Claims 28, 30, and 31 have been rejected under 35 USC 103(a) as being unpatentable over Wimsatt (US Publication No. 2004/0260407 A1) in view of Walker et al. (US Publication No. 2004/0249711 A1). This rejection is respectfully traversed.

As indicated above, Wimsatt is not prior art; thus, this rejection is not proper. Further, each of claims 18, 30, and 31 depend on claim 27 which is patentable; therefore, these claims are also patentable. *In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) at headnote 4.

In view of the foregoing amendments, it is believed that the application, including claims 1 – 31, is in condition for allowance, and favorable action is respectfully requested. It is believed no fees are due. If any fee is seen to be required, please charge Deposit Account No. 50-1848.

Respectfully submitted,
PATTON BOGGS LLP

Date: 6/16/05

By: 

Carl A. Forest, Reg. No. 28,494
Telephone: (303) 894-6114
Facsimile: (303) 894-9239

Customer No.: 24283

AMENDMENTS TO THE DRAWINGS

The corrections to FIGS. 3 and 8 as cited by the Examiner on page 16, paragraph 37, of the Office Action have been made and corrected Formal Drawings are attached hereto.



3/18

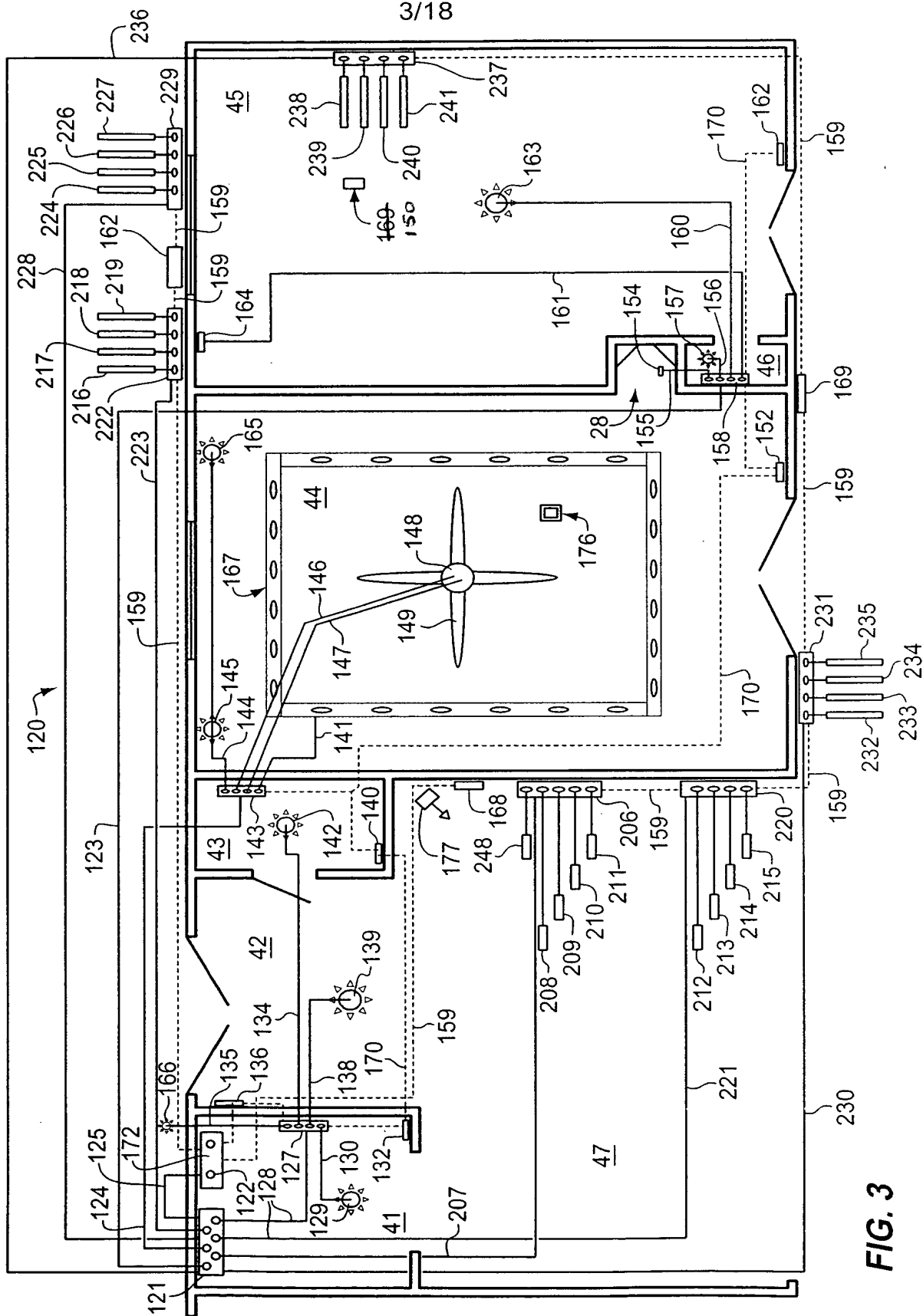


FIG. 3

7/18

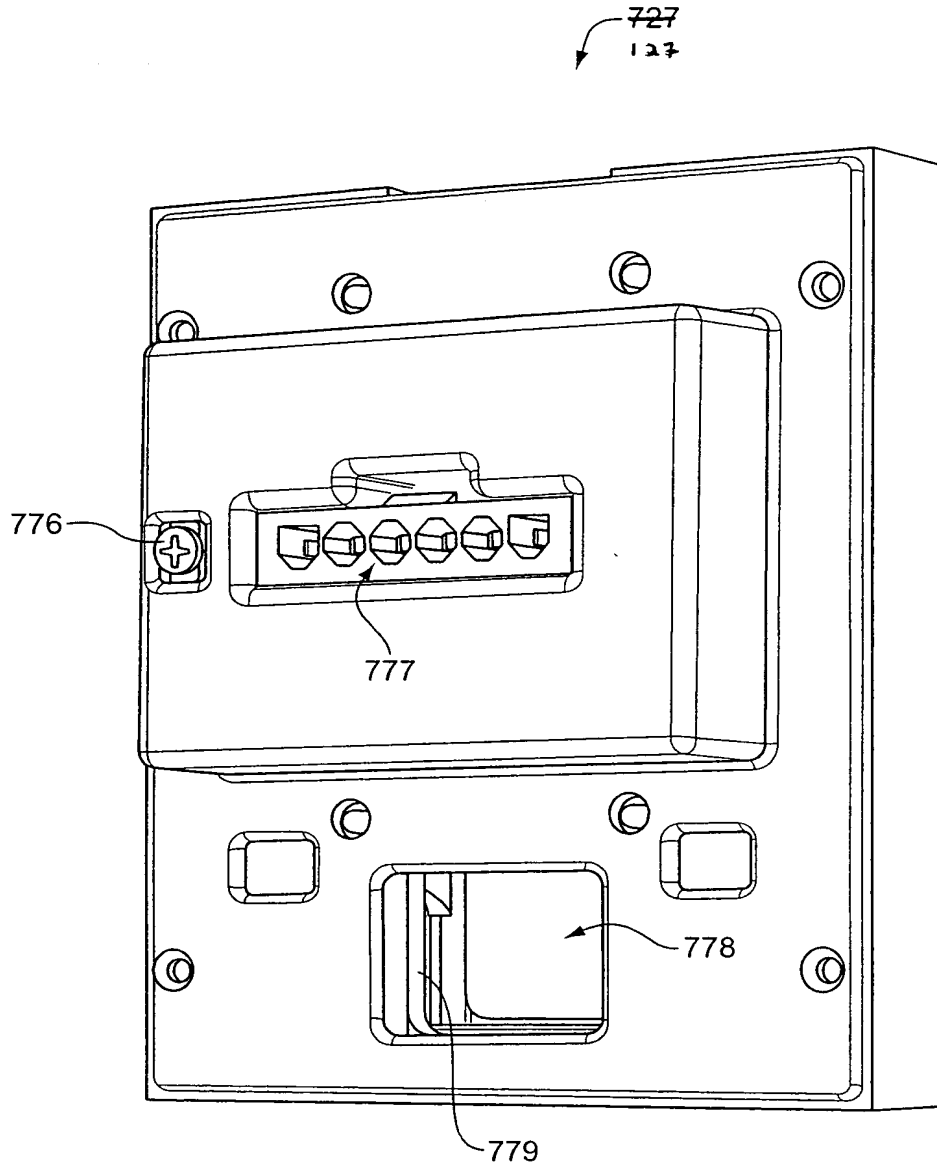


FIG. 8